

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE NO.: 99-CR-337-001(JAF)

JULIO CASANOVA-OTERO

**MOTION NOTIFYING VIOLATIONS OF CONDITIONS
AND REQUEST FOR A SUMMONS**

**TO THE HONORABLE JOSE A. FUSTE
CHIEF UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, LUZ ENID APONTE-ORTIZ, U.S. PROBATION OFFICER of this Court, presenting an official report on the conduct and attitude of the offender, Julio Casanova-Otero, who on February 27, 2001 was sentenced to an imprisonment term of sixty (60) months as to count one and seventy (70) months as to count two, said terms to be served concurrently with each other, to be followed by two (2) years of supervised release. On July 31, 2006, the offender's supervised release was revoked for violation of his conditions and sentenced to an imprisonment term of twelve (12) months to be followed by twenty-two (22) months of supervised release. As special condition of his supervised released term he was ordered to participate in a substance abuse program and submit to a search conducted by the U.S. Probation Officer.

On March 23, 2007, the offender was released from imprisonment and his supervised release term commenced for the second time. On June 18, 2007, a motion for some disposition was filed in which the court was informed of the offender violation to standard condition number 7. The United States Probation Officer requested a written reprimand based on the treatment provider's feedback and opinion regarding the offender's behavior at that time, as well as offender's remorse and regretful feelings regarding his violation.

On June 28, 2007, the Court agreed with our recommendation and submitted a written

reprimand to the offender and advised him that any further violation shall be object of a revocation hearing.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

STANDARD CONDITION NO. 7: THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE, OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCE, EXCEPT AS PRESCRIBED BY A PHYSICIAN.

On September 6, 2007, during an office contact, a drug test was conducted which resulted positive for cocaine, even though the offender denied any use of illegal substances. Upon questioning he admitted drinking heavily and being with someone that was using illegal drugs, but he continued denying the use of any illegal drugs. On September 8, 2007, Kroll Laboratory Specialist , Inc. confirmed the offender's positive test results for cocaine.

WHEREFORE, I declare under penalty and perjury that the foregoing is true and correct. In view of the aforementioned, unless ruled otherwise, it is respectfully requested that a summons be issued so that he may be brought before this Honorable Court to show cause why his supervision term should not be revoked. Thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 12th day October, 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Luz E. Aponte
Luz E. Aponte

U.S. Probation Officer
Federal Office Building, Office 400
San Juan, PR 00918
787-766-5842
787-766-5945
luz_aponte@prp.uscourts.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day 12 of October 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Miriam Y. Fernández-González, Assistant U.S. Attorney and Joannie Plaza-Martínez, Assistant Federal Public Defender.

At San Juan, Puerto Rico, this 12th day of October 2007.

s/Luz E. Aponte
Luz E. Aponte
U.S. Probation Officer
Federal Office Building, Office 400
San Juan, PR 00918
787-766-5842
787-766-5945
luz_aponte@prp.uscourts.gov

LEA/